

OFFICE OF THE GENERAL COUNSEL
Division of Operations-Management

MEMORANDUM OM 05-76

June 20, 2005

To: All Regional Directors, Officers-in-Charge,
and Resident Officers

From: Richard A. Siegel, Associate General Counsel

Subject: FOIA Tracking Database

We are pleased to announce that the database used by the Legal Research Branch to record and track the processing of FOIA requests has been modified and will be made available for use by the field offices. Our thanks to Carol Baumerich, DRA in Region 5, Cathy Callahan, OIC Sub Region 36 and Tim Watson, DRA in Region 16 for testing the system in the field.

The new tracking system will allow all offices that handle FOIA requests to use a common database to enter and track all FOIA requests. Although each office will be able to enter only data pertaining to requests it receives, all offices will be able to view data from the entire system and to search the entire database based on specific criteria. As the data entered into the database can be used to fulfill the agency's FOIA reporting requirements to the Department of Justice, once this system is in full use, offices will no longer be required to submit separate Annual FOIA Activity Reports to headquarters at the end of each fiscal year.

The new FOIA tracking system will allow us to track not only the information that is currently collected by the Regions manually and provided to Legal Research for the compilation of the FOIA annual report, but it will also allow us to track information related to the collection of FOIA fees.

The Agency is required to keep accurate records of all incoming monies, including FOIA fees. In addition, if a FOIA requester repeatedly fails to pay fees, the Agency can require the requester to provide the fees up front before the Agency devotes time and resources to gather the information requested. Currently we do not have a systematic approach to the collection and reporting of FOIA fees. Some FOIA requesters submit their payments to the Regions, who then forward the checks to the Finance Branch. Some FOIA requesters submit their payments directly to the Finance Branch. When the Finance Branch receives the payment directly from the FOIA requestors, it is often impossible to trace the bill for which the payment has been made.

Under the new FOIA tracking system, Regions will be able to enter the number of professional and support staff hours spent fulfilling a FOIA request and have the system generate an invoice that will calculate the appropriate FOIA fees. As you will note from the attached sample, the invoice will advise requestors to include the FOIA Request ID number on the check and to submit a copy of the invoice along with their payments. All FOIA payments are to be returned to the Regions. When a Region receives a FOIA payment, it will record the amount received in the database and then forward the check to Finance. Regions will be able to search the database for prior requests to ensure that a current requestor has paid for requests satisfied in the past.

Beginning October 1, 2005 all Regions must use the new FOIA tracking system to collect all FOIA information. Regions are not required to backfill data concerning their FOIA inquiries for FY 2005. It would, however, be beneficial for Regions to do so should they desire. Regions that have backfilled all their FY 2005 FOIA data into the system will be able to generate the report from the system to comply with DOJ reporting requirements. The FY 2005 Annual FOIA Activity Report will be submitted to headquarters in the same manner as in previous years.

We urge Regions to be sure that all information covered by this system is entered contemporaneously with the processing of the FOIA requests. We also urge that the data be checked for accuracy and completeness on at least a quarterly basis. As of FY 2006, the Agency will use the system exclusively to obtain all information necessary for the Annual FOIA Activity Report.

In order to prepare for the deployment of the system we need to identify the employees who will be managing this program in each Region. Once they are identified, those employees will be given access to and training on the system. **We recommend that each Region designate at least two employees.** Please e-mail a list of the names and titles of the employees responsible for handling FOIA related matters to DAGC Elizabeth Kilpatrick by June 30, 2005 and she will make arrangements for their training.

If you have any questions, please contact your AGC or Deputy as soon as possible.

/s/
R A S

Attachment

cc: NLRBU
Release to the Public

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DATE:
FOIA REQUEST ID #:

***Requestor
Firm
Street Address
City, State ZIP***

Documents Requested

Please submit payment by check or money order. Do not send cash. Make all checks payable to the National Labor Relations Board. Please include the FOIA REQUEST ID # on your check or money order and return your payment with the enclosed invoice in the pre-addressed envelope enclosed for your convenience. Checks submitted without a FOIA Request ID # may not be correctly credited to the requestor's account. The Agency may refuse to fulfill subsequent FOIA requests until payment of outstanding charges is verified.